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SESSION 1931
HOUSE OF COMMONS

Government
Publications

MINUTES OF PROCEEDINGS AND EVIDENCE

of the

SELECT STANDING COMMITTEE

on



PRIVILEGES AND ELECTIONS

No. 2

TUESDAY, JUNE 23, 1931

WITNESSES:

William Ramsay, Clifford Graham, Joseph Connolly, J. D. J. McNamara
and Col. Oliver Mowat Biggar, K.C.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 268,

TUESDAY, June 23, 1931.

The Committee met at 11 o'clock a.m., the Chairman Mr. Hanson presiding.

Members present: Messrs. Anderson, Casgrain, Elliott, Esling, Gagnon, Gray, Hanson, Lapointe, Lawson, MacDonald, MacNicol, Mercier, Morand, Spencer, Stinson, Sullivan, Thompson, Turnbull—18.

The following witnesses were in attendance and, after being examined, were duly discharged:

Messrs. William Ramsay, Clifford Graham and Joseph Connolly, all of Port McNicoll, Ontario, and J. D. J. McNamara, Penetanguishene, Ontario.

Jules Castonguay, Esq., Chief Electoral Officer and Col. O. M. Biggar, K.C., Legal adviser to the Chief Electoral Officer for the Federal Elections of July 28, 1930, were also in attendance.

Mr. Biggar having been called to give evidence, was asked to be again in attendance at the next sitting of the Committee and then, after having perused the evidence adduced before the Committee, to submit his opinion as to whether or not Alexander Campbell and Frederick Benjamin Chidwick who appeared before the Committee on the 18th inst. were entitled to vote on the 28th of July last; also to offer any suggestion which would enable the Committee to take into consideration some amendment to the Elections Act in connection with the interpretation of the term "residence."

At the suggestion of Mr. Elliott, it was agreed that the Chief Electoral Officer produce, for the next meeting of the Committee, the Victoria Harbour file in connection with the Elections of July 28, 1930.

The Committee then adjourned until 11 a.m. on Thursday, June 25.

RUFIN ARSENAULT,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

Room 268,
HOUSE OF COMMONS,
TUESDAY, June 23, 1931.

The Select Standing Committee on Privileges and Elections met at 11 o'clock, the Chairman R. B. Hanson presiding.

WILLIAM RAMSAY, called and sworn.

By the Chairman:

Q. What is your address and occupation?—A. Port McNicoll, sailor.

Mr. LAWSON: Might I have the poll book and D.R.O. election list for the sub-division M to Z for the purpose of examining this witness. I referred to exhibit No. 2 for identification.

By Mr. Lawson:

Q. What is your first name?—A. William.

Q. On the 28th day of July, 1930, did you vote at the polling sub-division which was in the curling rink in Port McNicoll?—A. I did.

Q. And you live in Port McNicoll?—A. Yes sir.

Q. Are you a married or single man?—A. Married.

Q. How long have you been living in Port McNicoll?—A. 1926 and 7.

Q. Maintaining a house or residence there?—A. Boarding there.

Q. With whom did you board?—A. Hotel.

Q. At the hotel in Port McNicoll?—A. Yes.

Q. Does your family live in Port McNicoll with you?—A. No.

Q. Where does your family reside?—A. Owen Sound.

Q. Do you keep a residence for your family in Owen Sound?—A. No.

Q. Where do they live?—A. They live in Owen Sound.

Q. Whereabouts?—A. I don't know.

Q. You don't know. Then I presume you are separated from your family?—A. Yes sir.

Q. Being separated from your family you board in the hotel at Port McNicoll?—A. Port McNicoll.

Q. Are you boarding there now?—A. On the boat.

Q. I beg your pardon?—A. On the boat.

Q. What is your position on the boat?—A. Oiler.

Q. And do you give up your room to the hotel in Port McNicoll each year and go upon these boats, and during the season the boat is running live upon the boat?—A. Yes.

Q. What boat are you on?—A. The Assiniboia.

Q. In the year 1930—that is the spring previous to this one of the past—can you give me any idea of the date on which you gave up your room in the hotel and moved upon the boat?—A. About the 12th of March.

Q. It would be the 12th of March, 1930, you ceased to board in the hotel at Port McNicoll?—A. Yes.

Q. And from that day on you had your meals and your room upon the Assiniboia?—A. Yes.

Q. And upon the Assiniboia you docked at Port McNicoll?—A. Every week.

Q. Was it running from the 12th of March?—A. No.

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Q. When did it start to run?—A. About the 27th of April, I think.

Q. So that you are on the boat in the dock until the 27th of April, and thereafter return with the boat once a week to Port McNicoll for a day or two?—A. Yes sir.

Q. Did you board in the hotel in Port McNicoll during the whole of the winter of 1929 and 1930?—A. Well, with the exception I was away for a week's vacation.

Q. I suppose that like most of these sailors you go away and see a little bit of the world in the winter time when the boats are not running?—A. It is the only time we have got.

Q. And when you went away from the hotel for this vacation in 1929—in the winter of 1929-30—did you give up your room in the hotel?—A. No sir.

Q. You still kept it?—A. Yes sir.

Q. And when was it you were away during the winter, do you remember?—A. I don't just remember the dates; just after the New Year.

Q. Some time early in the year 1930?—A. Yes.

Q. When you went to cast your ballot on election day in 1930, did any one raise any objection to your right to vote or anything of that kind?—A. No sir. Q. None whatever. That is all I desire.

Mr. MACNICOL: I would like to ask the witness a question. He stated a moment ago that he didn't give up his room in the hotel when he went on board ship—

Mr. LAWSON: When he went for a week's holidays.

By Mr. MacNicol:

Q. You didn't pay any rent in the hotel when you were on the ship?—A. No.

Q. When you went away in the winter time for any length of time, did you keep the room in the hotel?—A. Yes.

Q. Were you ever away a month?—A. No.

Q. Two weeks?—A. I may have been two weeks.

Q. Did you pay rent in the hotel for two weeks?—A. I paid my room rent; yes.

By Hon. Mr. Elliott:

Q. Have you any brothers or relatives in Port McNicoll?—A. I have two brothers.

Q. Are they L. Ramsay and D. Ramsay?—A. Yes sir.

Q. Have you lived with them at all during the time you were in Port McNicoll?—A. I lived with one of them in 1926 or 27. I cannot be just sure which. I think it was the winter of 1926.

Q. Did you go to Port McNicoll when they went?—A. No sir.

Q. Before or after?—A. After.

Q. And then you resided with one of them for a time in 1926?—A. Yes.

Q. When were you married?—A. When was I married? 1904, I guess it was.

Q. Oh, yes; some time before you went to Port McNicoll.

By the Chairman:

Q. It would be some time during the winter season that you stayed there?—A. Yes.

Q. And you were there only part of one winter?—A. Part of one winter; yes.

Witness discharged.

Mr. LAWSON: I would like to take the poll clerk first, Mr. Clifford Graham CLIFFORD GRAHAM, called and sworn.

By the Chairman:

Q. What is your post office address and occupation?—A. My address is Port McNicoll and my occupation is a painter.

By Mr. Lawson:

Q. I believe, Mr. Graham, you were the poll clerk in polling subdivision No. 1 at Port McNicoll for that half of the poll which had upon the list of names those surnames commencing with the letter M up to the letter Z?—A. Yes.

Q. I show you here a list of voters filed as Exhibit 2 filed for identification in this investigation with pen marks checked opposite the names of the voters?—A. Yes.

Q. Are those made by you?—A. No sir.

Q. Is that the list you had before you on election day?—A. I could not swear to that, sir.

Q. Did you have a list?—A. I did, sir.

Q. If the chief electoral officer for Canada returns this as the original list, used on election day, would you dispute that this is the list you had before you?—A. I would not dispute it.

Q. Did you have a list of this kind before you?—A. Yes.

Q. On the list which you had before you on election day, did you check off those voters who voted by putting a pencil or pen mark?—A. My poll clerk should check them off.

Q. I thought you were the poll clerk?—A. No, sir, I was the deputy returning officer.

Q. Oh, the man I wanted here was the poll clerk. You didn't mark the list at all?—A. No sir.

Q. What is the name of the poll clerk?—A. Ernest Baurie.

By the Chairman:

Q. Just let me see that list. Do you know his handwriting?—A. I could not identify it.

Q. You could not identify it. I will show you his signature. This is the poll book. That is your signature?—A. Yes.

Q. And that is his signature?—A. I could not swear to it.

Q. Didn't you see him sign that, and didn't you administer the oath to him?—A. Yes.

Q. Well, whose signature is that?—A. Well, it is a long time since.

Q. Just recall the time?—A. It is pretty hard to do that.

Q. Don't you remember the 28th of July last?—A. I sure do.

Q. Is that your signature there?—A. That is mine.

Q. And that is his signature there?—A. You say it is.

Q. I ask you if you did not administer the oath to him; didn't you see him sign it?—A. I did, sir.

Q. That is his signature then?—A. I don't remember, sir. I only saw him sign his name once.

Q. Now, let us see if that is so. Whose signature is that?—A. Ernest Baurie.

Q. Did you see him sign that?—A. I must have, sir.

Q. Of course, you did and you signed that here?—A. Yes.

Q. Whose signature is that?—A. That must be his signature.

Q. Don't you know it is?—A. Now I do, sir.

Q. Of course you do?—A. Certainly.

Q. You, at least, saw this man sign his name three times?—A. Yes sir.

Q. Having seen him sign three times, whose handwriting is this on the poll book?—A. I cannot say.

Q. It says A. 1?—A. That is not A. 1.

Q. What is it?—A. That is A. P.

Q. You swear that is A. P.?—A. It looks like that to me.

Q. Is there anything wrong with your vision?—A. Not a thing.

Q. You swear that is A. P.? Whose handwriting is it?—A. I could not swear to that, sir.

Q. What would A. P. mean?—A. Advance poll.

Q. That may be the true explanation.

By Mr. Lawson:

Q. Did Mr. Ramsay, whose name is checked off there, not vote on election day?—A. I could not swear to that now, sir, I don't remember.

Q. If Mr. Ramsay swears, as he did this morning, that he voted on election day—

Mr. GRAY: I think the Chairman ought to give the information—

The CHAIRMAN: Mr. Ramsay called me out a moment after he was off the stand and told me that he voted at the advance poll.

Mr. LAWSON: He did not tell me that.

By Mr. Gray:

Q. Do you know Mr. Finlayson, the Minister of Lands and Forests of the Ontario Government?—A. Yes.

Q. Was he in your poll during the day?—A. Yes.

Q. At your particular box?—A. Yes.

Q. What did he do there?—A. He was raising a disturbance.

Q. And what did you do?—A. I done my best to keep order, sir.

Q. And did he eventually leave your poll and go to the other? The last returning officer we had last week said that he had been to the next poll too?—A. He went back and forwards from one poll to the other, and I took a statement of everything that happened at that time, because I was positive about it. I have a copy in my pocket, and if you gentlemen want to see it I can pass it amongst you.

By Mr. Mercier:

Q. When did you make up those notes?—A. Right at the time it happened.

Q. Have you got them on you?—A. I have, sir.

Q. Can you tell the story referring to your notes?—A. I am on oath, and I would not like to say anything that was not perfectly fair.

By Mr. Gray:

Q. Was Mr. Finlayson abusive at the poll?—A. He certainly was, sir.

Q. What did he say?—A. Well, he used profane language for one thing.

Q. He used profane language?—A. Yes, sir.

Q. Did you order him out of the poll?—A. I certainly did, sir.

Q. And did he go?—A. Not at the time, but shortly after, sir.

Q. And when did he come to the poll?—A. He came to the poll about three o'clock on the afternoon of July 28.

Q. How long did he stay?—A. He stayed probably a half hour.

Q. And was that all the time he was there?—A. He may have been just a little longer than a half hour.

By Mr. Morand:

Q. Did he have an agent's certificate?—A. He did not, so far as I know.

Q. Did you ask him for it?—A. I did not.

Q. Did he produce one?—A. He did not, sir.

By Mr. Lawson:

Q. Was Mr. Connolly around the poll that day?—A. No, sir.

Q. Was he down at your poll at all?—A. Not that I seen, sir.

Hon. Mr. ELLIOTT: I would suggest, just to clear up that matter of this first witness, William Ramsay, voting at the advance poll, that you recall him now.

Witness discharged.

WILLIAM RAMSAY recalled.

By Mr. Lawson:

Q. I believe that instead of voting on the 28th July, 1930, you voted at an advance poll in Port McNicoll?—A. Yes.

Witness discharged.

JOSEPH CONNOLY, called and sworn.

By the Chairman:

Q. What is your occupation and where do you live?—A. Billiard room proprietor and tobacco store, Port McNicoll.

By Mr. Lawson:

Q. I believe you were registrar or rural enumerator for sub-division No. 1 of the town of Port McNicoll?—A. Yes, sir.

Q. And as such you made up a list of voters as required by the Dominion Elections Act, causing your preliminary list to be posted in certain places, including the post office?—A. Yes, sir.

Q. And upon that list—I am speaking now of the original list—there were the names of Alexander Campbell, of the village of Port McNicoll, and Frederick Benjamin Chidwick, of the village of Port McNicoll?—A. Yes.

Q. And subsequently you struck those two names off your list, when, as rural registrar, you were revising the same?—A. Yes.

Q. Who appeared before you and made complaint against those names being upon the list?—A. No one. When I took my preliminary list to the returning officer, he asked me if those sailors were all residents of Port McNicoll, and I said no, they were not. He said, "they are not entitled to vote". So when I started to revise my list I struck them off.

Q. Why did you not strike Ramsay's name off?—A. Ramsay is a resident of Port McNicoll. He has lived in Port McNicoll for the last two or three years all winter.

Q. Did you know that he boarded in a hotel during the winter time?—A. Yes, quite well.

Q. And you knew that he went upon his boat, the *Assiniboia*, in the spring?—A. Yes, sir.

Q. And you knew that he went upon his boat in March of 1930?—A. Yes sir.

Q. You knew that Campbell, for example—

Hon. Mr. ELLIOTT: April, wasn't it?

Mr. LAWSON: No, March.

By Mr. Lawson:

Q. You knew that Campbell had resided in Port McNicoll, boarding in a boarding house there or in a hotel?—A. He didn't board in Port McNicoll.

Q. I beg your pardon?—A. He didn't board in Port McNicoll the previous winter.

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Q. Which winter?—A. The winter of 1929-30.

Q. Did you know that he had boarded in Port McNicoll previous to that?

—A. I did not know until after the election that he had stayed in Port McNicoll the year previous. He was only there for a short time.

Q. Did you know that in the winter of 1929-30 he stayed in Port McNicoll?

—A. He did not stay.

Q. Just a minute. Wait until you hear my question before you answer it. Did you know that with the exception of the time when he took his trip to Scotland he boarded in Port McNicoll, during the winter of 1929-30?—A. Not in Port McNicoll, I did not.

Q. If the man swears that from the time he came off his boat until December 12, 1929—

Hon. Mr. ELLIOTT: Just a minute.

The CHAIRMAN: Don't answer, witness. State your question, Mr. Lawson.

Mr. LAWSON: Let me put it this way. In view of the fact that Campbell swore under oath before this committee that from the time he came off his boat in 1929 until the 12th day of December when he left for a vacation in Scotland he boarded in Port McNicoll, would you deny that statement?

Hon. Mr. ELLIOTT: The evidence is at page 7, the last line:—

“Q. And what time of the year did you go to reside in Port McNicoll?

—A. June 1928, the 14th of June.

“Q. How long did you continue to reside at Port McNicoll after June 14, 1928?—A. Until the 16th December, 1929, I took a trip home.”

By Mr. Lawson:

Q. Did you know that the dock where the boat docks while in Port McNicoll is within the territorial limits of the village of Port McNicoll?—A. It is not classed as such. I do not know. It is not classed as such.

Q. I can take it that no one came to you and made a complaint under oath against Campbell being upon the list?—A. No sir.

Q. And of your own initiative you communicated with the returning officer, and after a conference with him, you struck these men's names off the list?—A. He asked me were these men residents of Port McNicoll? And so I merely went and struck the ones off that were not residents.

Q. The ones that you thought were not residents?—A. Yes.

By the Chairman:

Q. Did you give them notice?—A. I had the list posted up.

Q. Did you give them notice personally?—A. Not personally. I posted the list up and I drew the attention of Mr. Thompson's agents, Dr. McPhee and Mr. McCormick. I told several sailors. I do not say I told these two gentlemen, but I told several sailors.

By Mr. MacNicol:

Q. What was your authority to strike them off?—A. According to the instructions I got in the book.

By Mr. Lawson:

Q. I will refer the witness to rule 10 of schedule B of section 32 of the Dominion Elections Act, found on page 153 of the book which would be issued to you as rural registrar containing the Dominion Elections Act with amendments and election instructions which reads as follows:—

“At any time after the posting up of a copy of the voters' list, and not later than 6 o'clock on the last of the days specified for the correction

thereof in the notices posted by him, and being fully satisfied from representations made to him by any credible person under oath or otherwise that the list as prepared by him in the index book requires amendment as hereinafter mentioned, the registrar may strike out such list by drawing erasing lines through the name of any person who is not qualified as a voter or who is not resident of the polling division."

So that, without anyone appearing before you, or making any representations to you on their oath, you struck—

Hon. Mr. ELLIOTT: Under oath or otherwise, the Act says.

Mr. LAWSON: Under oath or otherwise.

Hon. Mr. ELLIOTT: I would like to point out to you that Mr. Lawson must be reading from an old edition of the Act. Read page 162.

Mr. LAWSON: It is the same as I had. I thought I had the last Election Act, but somebody instructed me this morning that I had not, and so I adopted this one.

The CHAIRMAN: I think perhaps you should read the 1930 one.

Mr. LAWSON: I say, without anyone appearing before you and making representations under oath or otherwise, you struck the names of Campbell and Chidwick from this list?

Hon. Mr. ELLIOTT: I submit that that is not a fair question to put to the witness after he has told you what occurred between him and the returning officer.

Mr. LAWSON: What is your ruling, Mr. Chairman?

The CHAIRMAN: My understanding of the law was that there was some notice to be given.

Mr. GRAY: Where do you find that, sir?

The CHAIRMAN: Will the reporter read that question again, please, which was objected to?

Question read as follows:—

Q. I say, without anyone appearing before you and making representations under oath or otherwise, you struck the names of Campbell and Chidwick from this list?

Hon Mr. ELLIOTT: I object to it because he has already stated that in conversation with the Returning Officer, or the Deputy Returning Officer, he told him not to put on sailors who were not resident.

The CHAIRMAN: I will allow the question subject to the objection. The facts are clear.

By Mr. Lawson:

Q. What is your answer, witness?—A. That I struck these names off without anybody appearing before me, do you say?

Q. Yes?—A. Well, I say yes, these two men never appeared before me. There was quite a number of men came up and I talked to quite a number and told them they were struck off. I do not remember these two men.

Q. Did anyone appear before you and give you information as a result of which you struck these two men's names off the list?

Mr. GRAY: There is nothing which says "appear" in the Act; be fair, it says "representations."

Mr. LAWSON: I can ask him if anybody appeared, or if anybody wired or if anybody made representations.

By Mr. Lawson:

Q. Did anyone appear before you as an individual objecting to the names of Campbell and Chidwick being upon the list?—A. Not that I remember of, no.

Q. Did anyone write you objecting?—A. No.

Q. Did anyone telegraph you objecting?—A. Not that I remember, no.

Q. Did anyone make representations to you in writing with respect to anything, regarding these two men?—A. Not as I remember.

Q. You were exercising what you believed to be your knowledge as to whether or not they were residents in Port McNicoll?—A. No, sir.

Q. And that sums up the whole situation?—A. Yes, sir.

Q. You did, however, after you had prepared your original list, consult with the Returning Officer for the riding?—A. Yes, sir.

Q. When you made up your original list, why did you put these two men's names on that list?—A. I put all the sailors on, because it has been a custom in the past for those men to vote.

By the Chairman:

Q. They always voted in the past?—A. Yes.

By Mr. Lawson:

Q. And you had the same knowledge as to their residence or non-residence when you put them on the original list that you had when you struck them off in the revising?—A. Yes, I would say I had the same knowledge. I knew these men did not live in Port McNicoll.

Q. You thought you knew that?—A. I pretty well know. It is a very small village and I pretty well know the people in Port McNicoll.

Q. Then, as I say, you had no additional information when you struck them off the list, or knowledge, than you had when you originally put them on?—A. Only from the Returning Officer, who told me that the men who did not live in Port McNicoll were not eligible to vote.

Q. Did the Returning Officer define for you what constituted, as you say, living in Port McNicoll?—A. Yes.

Q. What qualifications did people have to have to vote in that riding?—A. They had to be resident in Port McNicoll two months previous to the date of election.

Q. That is, the Returning Officer for the riding told you that unless these men were living in Port McNicoll two months before the polling day they should be stricken from the list as non-residents—is that correct?—A. Yes.

Q. Now, two months before polling day would be the 28th day of May, 1930, would it not?—A. Yes.

Q. And did you not know that Ramsay had gone on his boat away back in the previous March?—A. Yes.

Q. Then why did you keep him on the list?—A. Because he had been a resident for the last two or three winters.

Q. What you just told me a few moments ago was that your instructions from the General Returning Officer for the riding were that unless they had been living in Port McNicoll two months before polling day they should be stricken off the list?—A. Well, that is alright, but what I interpreted out of it was that if these men had kept permanent residence in Port McNicoll in the winter time, that that made them a resident of Port McNicoll; but if they only came to Port McNicoll and went on the boat, they were not residents of Port McNicoll.

Q. At least you considered, in Ramsay's case, that he was a resident of Port McNicoll because he boarded in the hotel part of the winter preceding the election?—A. He was there part of the winter, anyway.

Q. He was not there from the 12th March, was he?—A. No, he was on the boat—yes, he was in the hotel after the 12th March; he still continued to board in the hotel.

Q. He swore here this morning that he went upon the boat—A. He went working on the boat, but he continued—

Q. He swore here this morning that he had his room and board upon the boat from the 12th day of March.—A. April, I think.

Q. But he said he lived on the boat from the 12th day of March, and I followed it up by asking him whether the boat was tied up to the dock from the 12th March?

Mr. W. RAMSAY: That was an error of mine.

By Mr. Lawson:

Q. Did any other person speak to you or approach you in connection with striking the names of these sailors off the list, other than your conference with the General Returning Officer for the riding?—A. No, sir.

Q. Throughout you exercised your own unfettered discretion, with the exception of your conference with the Returning Officer of which you have told us this morning?—A. Yes. I notified Mr. Thompson's agents.

Mr. THOMPSON: You notified them after you had struck them off.

The WITNESS: I was striking them off the day these men came in, and I told them I was striking them off.

Q. You had not given any notification to the people themselves?—A. No, sir.

By Hon. Mr. Elliott:

Q. How long have you lived in Port McNicoll?—A. Seventeen years.

Q. What is your business there?—A. I run a billiard room.

Q. How far is that from the dock?—A. About a block or block and a half.

Q. And what do you say as to your means of knowing the residences of these sailors?—A. I have been there so long that I know practically every sailor, and the majority of those sailors now come there, the after crews on the boats come along about the 15th of March, and they board at the hotel for two or three weeks and then they go on the boat; and the forward crews and the stewards come along about the 15th April and they go on the boats as soon as they come.

Q. What is that enables you to speak as to where they reside when they come to Port McNicoll? Are you familiar with these men?—A. Oh, yes, I meet practically them all. I might also add here that it is greatly exaggerated about the number of voters being disfranchised. What happened this year, the election was in July while the boats were running on schedule, and as it happened they were all in to vote on election day, with the exception of the *Assiniboia*, and she voted on the advance poll on the Friday evening, the 25th. There was a number of those sailors living around Victoria Harbour and those places, and they all voted,—

By the Chairman:

Q. How do you know?—A. They all said that they voted. They left the boat to go home.

The CHAIRMAN: You could not tell whether they voted or not, unless you saw them vote.

By Mr. MacNicoll:

Q. The men living at Victoria Harbour, did they vote at Victoria Harbour or at Port McNicoll?—A. They voted at Victoria Harbour, that is what they told me; I had only their word.

By Hon. Mr. Elliott:

Q. What proportion would you say of the ninety or so voted elsewhere?—A. I am sorry I destroyed my list, I did not know anything about this as I was away, or I could have given you a definite answer. There was quite a number voted in Port McNicoll; I would say there must have been twenty-five or thirty at least of them that voted in the surrounding country.

By the Chairman:

Q. You mean that there were twenty-five or thirty who were entitled to vote there, but you do not know where they voted?—A. No, I cannot prove it, but I take the men's word that they went away to vote.

By Mr. Lawson:

Q. Were they on your list?—A. Some of them were on the list that were struck off.

By Mr. Gray:

Q. Where would these men ostensibly vote, or where were they entitled to vote in your opinion?—A. Victoria Harbour, I guess; there would be more from Victoria Harbour than from any place else. Of course the ones from Toronto did not vote; there are a number from Toronto; and Owen Sound, I know some went to Owen Sound and Wiarton.

By the Chairman:

Q. Now, Mr. Connolly, when you made up this preliminary list, you made it up believing honestly that these men were entitled to vote?—A. That had been the custom.

Q. Did you or did you not honestly make up the list?—A. Yes.

Q. And without making any other enquiry except that of the returning officer, McNamara, you struck them off the list?—A. As soon as I learned that if they were not resident at Port McNicoll they should not be on the list, I cut them off, as I understood.

Q. What investigation did you make to verify whether these men or any of them were or were not residents of Port McNicoll, after your interview with Mr. McNamara?—A. I spoke to quite a few of the different sailors, and as I say, I know them personally, these fellows, practically all of them.

Q. You know them personally, but did you make any enquiry? Did you ask Campbell where he lived?—A. No.

Q. Although he was there every week?—A. Yes.

Q. The man was entitled to a vote, if he could come within the law, wasn't he?—A. He was there on election day—

Q. The man was entitled to a vote, if he could come within the law, wasn't he?

Hon. Mr. ELLIOTT: I suppose that is a question of law.

The WITNESS: So far as I knew he was not a resident of Port McNicoll.

By the Chairman:

Q. And you did not ask him or take any pains about him at all?—A. No, I thought I knew about him.

Q. When McNamara told you that none of these sailors were entitled to vote, you agreed and you struck them off without any more?—A. I used my own best judgment, certainly, when I found out that they were not residents, I cut them off.

Q. What steps did you take to find out that they were not residents?—
A. That was my own personal—I thought I knew them well enough for that.
Q. You did not take any steps, did you?—A. You can call it that if you like.

By Mr. Spencer:

Q. I would like to ask to what extent does the registrar have to follow the instructions of the returning officer?

The CHAIRMAN: He does not have to follow them at all. He is an independent official.

By Hon. Mr. Elliott:

Q. I suppose these men were in and out of your pool room?—A. Yes, most of them.

Q. And you were familiar with them?—A. Yes, sir.

Q. I understand you have not been taking an active part, either one way or another up there, politically?—A. No, absolutely no.

The CHAIRMAN: That is a matter of opinion. I think he took a very active part.

By Hon. Mr. Elliott:

Q. And you sometimes vote one way and sometimes another?

The CHAIRMAN: I do not think you are entitled to ask the man that question. I would not ask that, myself.

Hon. Mr. ELLIOTT: Perhaps you know about that. He can say whether or not he has been active in the election.

The CHAIRMAN: No, but I do not think a man is entitled to be asked how he votes. That is his own business.

Hon. Mr. ELLIOTT: But he can say whether he has been active politically.

The WITNESS: As I say, I have taken a little interest. I made up the lists, and all that; but as far as being a real active partisan, I cannot say that I have been.

By Mr. Lawson:

Q. Never, Mr. Connolly?—A. Everybody knows how I vote up there, and if you want to know, I can tell you, too.

Q. Mr. Connolly, you never take an active part in politics?—A. I cannot say I am active.

Q. What were you doing hanging around the polling booth on election day?—A. I was looking to see who voted.

Q. Were you an agent for the Liberal candidate?—A. I went into the polling booth while the ballots were counted.

Q. Were you an agent for the Liberal candidate on the 28th day of July, 1930, in the riding of East Simcoe?—A. Well, I do not know whether you can call it that.

Q. Did you have an agent's credentials?—A. Yes, I had.

Q. And were you acting as an outside scrutineer at this poll?—A. Yes.

Q. And you never take an active part?—A. Well, if you call that active.

Q. You had a man by the name of Harvey come from thirty miles away, from Orillia, to act as inside scrutineer in this poll, at the last election, didn't you?—A. I had nothing to do with that.

Q. There was a man by the name of Harvey who came from thirty miles away, from Orillia, to act as inside scrutineer for the Liberal candidate at the last election, was there not?—A. Yes.

Q. And when Mr. Harvey arrived at Port McNicoll, you and Mr. Harvey conferred in connection with these sailors voting, and which of them should

vote, and so on, did you not?—A. He did not know the sailors and he asked me the ones who were entitled to vote, and I said that any ones that are struck off are not residents of Port McNicoll, as far as I know.

Q. When Mr. Harvey came to Port McNicoll that morning, did he go to your house or did you meet him at the poll?—A. I saw him at the poll.

Q. And had a conference, as you have told us, before the poll opened?—A. I cannot say that I had a conference, but I spoke to him. I told him that, certainly.

Q. And you stayed around this poll all day?—A. On the outside, yes.

Q. And from time to time communicated with Mr. Harvey about these different sailors who were there, and so on?—A. I think he came out two or three times, yes.

Q. And when he came out you were available to give him information?

Hon. Mr. ELLIOTT: There is no harm in that.

Mr. LAWSON: I do not say there was any harm, but I am getting at this man's idea of never participating in politics.

By Mr. Lawson:

Q. Now, you told Mr. Harvey, as a matter of fact, did you not, on the day when he came there to act as inside scrutineer at this poll, that a lot of these sailors who were not entitled to vote would make an attempt to vote that day? —A. No, I did not. I did not tell him that. I did not know it.

By Mr. Gray:

Q. Mr. Connolly, the last election at which sailors voted would be the provincial election?—A. I had nothing to do with that election, but I understood that they voted by proxy on that.

Mr. THOMPSON: That is when they vote away from their port.

By Mr. Lawson:

Q. I want to read to you, Mr. Connolly, what was sworn to here by Mr. Harvey as to his trip to Port McNicoll on election day and his activities. He said, "when I arrived there I conferred with Mr. Connolly about those who had been struck off; and he was present during the whole of the polling, and as each man came up, if he happened to be a man who was struck off the list I conferred with Mr. Connolly as to his right to vote and see to his being struck off the list."

Q. "In what capacity was the registrar, Connolly, in the polling booth?—A. He was not in the booth. I do not recall whether he was an outside scrutineer, but he was on the job all day."

Do you agree with that?—A. I was on the outside, yes.

Q. Do you agree with Mr. Harvey when he says that when he went up to Port McNicoll in the morning he conferred with you about those who had been struck off the list?—A. Certainly he asked me, and I told him.

Q. And he says that Connolly was present during the whole of the polling, outside, of course, and as each man came up, if he happened to be a man who was struck off the list, I conferred with Mr. Connolly as to his right to vote and see to his being struck off the list. Is that correct?—A. I guess there were only two came up, as far as I recollect.

Q. Is Mr. Harvey correct when he says that as each man came up, who was struck off the list, to vote, he conferred with you?—A. I guess he is correct. I guess he came out to me. Nothing came up but, I think there were only two came up, as far as I know of.

Q. And do you still think you are not a partisan, as far as the election was concerned.

Mr. GRAY: This man is being cross-examined.

The CHAIRMAN: The question is alright.

Mr. GRAY: I object to the way in which the whole proceeding is being conducted, as an inquisition against this man.

Mr. GAGNON: He might object to the way Mr. Gray is asking the question.

Mr. LAWSON: You might observe, Mr. Chairman, and I will admit I am now cross-examining in respect to a subject matter on which my learned friend, Mr. Elliott, asked a direct leading question of this witness and got his answer, No, Mr. Elliott saying that he had not been an active partisan in this election, and the witness answering No. And I accept his answer.

Hon. Mr. ELLIOTT: It is without exception, I think.

The CHAIRMAN: I think Mr. Lawson ought to be allowed to cross-examine upon that at any rate.

By Mr. Lawson:

Q. Do you still swear to this committee that you did not take an active part in the election in East Simcoe?—A. I do not think I am partisan, because I think I am fair.

Q. Do you still want to swear to this committee, as you did this morning, that you did not participate actively in the election in East Simcoe?

Hon. Mr. ELLIOTT: That is what he said.

By Mr. Thompson:

Q. How far is Victoria Harbour from Port McNicoll?—A. Four and a half miles around by the road and one and a half miles by water.

Q. And if you knew a man was on the list in Victoria Harbour, you would not put him on your list, would you?—A. As I say, it has been the custom for the sailors to vote in Port McNicoll, and that is the reason I put them on.

Q. Do you mean to say that if you knew a man was on the list in Victoria Harbour, you would put him on your list in Port McNicoll?—A. On the preliminary list, I would.

By Mr. MacNicol:

Q. I want to try and find out how friendly you were to these two gentlemen?—A. Yes, I am friendly with these gentlemen.

Q. Did they play billiards and pool in your room?—A. They do still.

Q. I am speaking of Campbell and Chidwick, have they played in your pool room? Chidwick, who swore he had been there since 1923, and I think he says he had been in the pool room on and off for several years?—A. Yes, they have both been in; they do not play much pool, but they still come in the same as ever.

Q. Where did they make their home town?—A. Chidwick has made his home mostly in Toronto, as far as I know.

Q. Would not they both be right in considering Port McNicol as their home town?

By the Chairman:

Q. How do you know that Toronto is their home town?—A. I know Mr. Chidwick did not live in Port McNicoll, because it is a very small village and it is very easy to know who lives there in the winter time.

By Hon. Mr. Elliott:

Q. What is the population of Port McNicoll?—A. About 1,100.

Mr. MACNICOL: Mr. Campbell swore that he had a room in Port McNicoll.

Hon. Mr. ELLIOTT: Not in 1929 and 1930.

Mr. GRAY: That is referred to on page 7.

Hon. Mr. ELLIOTT: He went onto the boat when he came back from Scotland.

Mr. MACNICOL: Campbell, in his evidence, on page 5, was asked the question:

“What is the nature of your residence in Port McNicoll during these years. I mean by that, do you maintain a house or do you rent a room?—A. I room.”

And then he goes on to say that he had his meals sent to that same room.

Mr. MERCIER: May I suggest that that must be connected and completed by the next question.

By Mr. MacNicol:

Q. Would you have any particular reason for preventing Campbell and Chidwick from voting?—A. Absolutely not.

Q. Had you any feeling against them?—A. Against none of the sailors. I am good friends with both of them, with all of them. It would be very poor policy for me to cut them off, if I was doing it. I did it because it was my duty to do it.

By Mr. Spencer:

Q. You had instructions from the Returning Officer?—A. Certainly.

By Mr. MacNicol:

Q. You went to the Returning Officer, he did not come to you?—A. I took my preliminary list up to the Returning Officer. He asked me were those sailors residents of Port McNicoll, and I said no, there was quite a few of them were not.

Q. These two men would be entitled to vote somewhere. They were both under the impression that their home town was Port McNicoll, being under that impression through having resided there, Campbell for a couple of years on and off, and Chidwick for a matter of seven years, then went from their rooms onto the boats, the town being the headquarters for the boats, wouldn't they be right in considering Port McNicoll as their residence?—A. As far as I am instructed, being on the boat is not classed as residence.

Q. Why were you so anxious to strike these two men off?—A. I was not not anxious to strike them off at all. I was merely doing my duty. That was all. I did not want to strike them off.

Q. My idea is that you would not strike them off unless somebody made a representation that they had not a right to vote.

Hon. Mr. ELLIOTT: And somebody did, the Returning Officer.

Mr. MACNICOL: What duty had the Returning Officer to make a representation? He is supposed to be impartial.

Mr. GRAY: The Returning Officer would have a right to see that this man's duty was done.

Mr. TURNBULL: The Returning Officer made no representation, according to the evidence there, but all he did was to say that anyone without a residence there had no right to vote.

By Mr. MacNicol:

Q. It would seem to me, Mr. Connolly, as if you had made an extra special effort to strike these two men off?—A. I did not, and I did not want to strike them off at all.

By Hon. Mr Morand:

Q. You say you knew the people who worked on the boats?—A. Pretty much, in a small place.

Mr. MACNICOL: I do not say, Mr. Connolly, that you did deliberately strike them off.

By Mr. Gagnon:

Q. I understand you acted in the election of 1930. Did you not act as registrar in the previous election of 1925 and 1926?—A. Yes.

Mr. GRAY: That proves impartiality for you, because one was under the control of your government.

By Mr. Thompson:

Q. You were not the registrar in 1926?—A. Yes, sir.

Q. You were in 1925?—A. I was registrar before. I won't exactly say, since you draw my attention to it; but I was registrar in one election before. I am not swearing just which one it was.

By the Chairman:

Q. You were registrar in either 1925 or 1926?—A. Yes, I was.

Q. And in the election of 1925 or 1926, these sailors were on the list at Port McNicoll and voted?—A. Yes.

Q. What change had there been with respect to their residence between 1925 or 1926 and 1930?—A. None that I know of.

By Mr. MacNicol:

Q. Did Campbell vote in 1925?—A. That I could not say.

By Mr. Anderson:

Q. And, Mr. Connolly, you put their names on the list for 1930?—A. Yes, sir.

Q. And that was the knowledge which you had when you prepared that list?—A. Yes.

Q. And the responsibility was only yours in the preparation of that list?—A. Yes.

Q. And you were supposed to be honest in doing that, weren't you?—A. Yes.

Q. What took place between that time and the revision?—A. When I took the list to the Returning Officer, he asked if these sailors were residents, and I said "No." And I struck them off.

Q. And no other representations were made than in that question he asked you?—A. Not particularly. I have talked to quite a number of sailors there and Mr. Thompson's agents there whom I saw on the day I struck them off.

By Mr. MacNicol:

Q. You say he asked you if the sailors were residents?—A. Yes.

Q. All the sailors were these two?—A. Oh, no; one was particularly taken out; that was generally. I struck them all off, and I did not single out any individual.

By Mr. Lawson:

Q. You did not strike Ramsay off?—A. No, because he was a resident in Port McNicoll.

Q. Although he had gone up on the boat about two months before the day of the election, you still say he was a resident, although these other two were not residents?

Mr. GRAY: The other ninety.

By Mr. Lawson:

Q. I only speak of the two that I know of?—A. Politics was not thought of at all.

Q. Those poster lists, A to L, were red lined in the case of certain names. I call your attention to the rule in the Elections Act which provides every correction made by the registrar aforesaid by the addition, erasure or correction of any entry therein shall be verified by there being appended the initials of the registrar and the date upon which the same was made. Did you do that?—A. I thought I done it according to—

Q. Look at it?

Mr. LAWSON: None of the lists are initialled.

Mr. MERCIER: In the case of an inquiry of this kind being sustained, do I understand that this election must be called off and that we must have another election?

The CHAIRMAN: I do not know; but Mr. Thompson desires to have it established with respect to these sailors—90 of them, were, apparently, disenfranchised.

Hon. Mr. ELLIOTT: You said that 90 were disenfranchised. That is not the evidence I submit. The evidence is that a number of these sailors were from different places.

The CHAIRMAN: There is no evidence to that effect. There is hearsay evidence.

Hon. Mr. LAPOINTE: There is no evidence of what you say either.

The CHAIRMAN: That is the contention. I will put it that way.

By the Chairman:

Q. Now, Mr. Connolly, you did draw these red lines through these names, but you didn't carry out the law with respect to initialling them or putting the date on them?—A. As I understand the Act, that is the list used on election day, we were not to put marks on it at all outside the red line.

Q. This is your original list, isn't it?—A. Is not that—

Q. This is the list that came into the poll box?—A. I understood that you were not to put any marks on it.

Q. Where did you put your initials and the date, on anything, when you struck these out?—A. I made out other lists.

Mr. LAWSON: He has to make five copies by statute.

The CHAIRMAN: I call your attention again to rule 11, "every correction made by the registrar as aforesaid in the list of the index book...."

Mr. GRAY: Is that the index book?

By the Chairman:

Q. Is there any official list that you had in which you followed out provisions of rule 11?—A. As I understand it, I did.

Q. What was that?—A. I put my initials on it.

By Mr. Gray:

Q. Is there a book besides that?—A. Yes, there is a book.

Mr. LAWSON: There is a poll book.

Mr. GRAY: Is there an index book?

The CHAIRMAN: If he did it in the index book, that settles it.

Mr. THOMPSON: Where is the index book?

The CHAIRMAN: They have it down in the department. We can get it if you want it.

Mr. LAWSON: What difference does it make. They lost their vote, and we are investigating why.

Hon. Mr. ELLIOTT: I want to know if it is contended that these men whose names were on that list, who are said to have been residents of Victoria Harbour, were not allowed to vote?

The CHAIRMAN: I do not know that any of them are said to have been resident at Victoria Harbour.

Mr. ELLIOTT: Yes, he said that a number of those 90 were resident at Victoria Harbour.

The WITNESS: I know them personally.

By Mr. Lawson:

Q. Why did you put them on the list originally?—A. It has been the custom in the past for the sailors on the boats to vote in Port McNicoll. It is not the same living—

By Mr. Thompson:

Q. How many sailors are there on the four boats?—A. I cannot tell you offhand.

Q. Roughly speaking?—A. I suppose there is around possibly 125 or 130.

Q. That would comprise the crews of the four boats?—A. Something like that—the ones that have votes, but there are quite a number that have no votes.

Q. You mean that they are not of age?—A. Yes.

By Mr. Elliott:

Q. I want to ask this witness a question which is subject to your ruling. This appeals to me. A man who runs a pool-room of which sailors make a rendezvous more or less would know their residences about as well as any man in the community. Now, he states there were people up at Victoria Harbour which is only four miles away, and he gathered from them that they were going over to vote at Victoria Harbour. Now, can you give us an idea how many of those stricken off resided at Victoria Harbour?—A. I am sorry. If I had the list and checked it over I could tell you exactly, because I know them.

The CHAIRMAN: There is the list. Check it over.

The WITNESS: Albert Henry. He votes in Victoria.

By Mr. Lawson:

Q. How do you know?—A. He went over there. I thought he voted.

The CHAIRMAN: Don't tell us about a matter of which you have not direct knowledge.

Mr. MERCIER: He is not only warned; he is afraid.

The WITNESS: I think. Is that satisfactory? I think.

Mr. LAWSON: The question which was put was a perfectly proper question; the witness is answering just as improperly as it is possible. The question which has been asked by my hon. friend, Mr. Elliott, is—he has asked the witness to give from his knowledge the number of persons on this list who are shown as stricken off whom he knows reside at Victoria Harbour. That is the question. He did not say voted. He said lived there.

Hon. Mr. ELLIOTT: Now, just as a committee trying to get at the facts in regard to this matter, don't you think we should take the evidence of this witness as to what information he had as to those men going over there to vote?

The CHAIRMAN: Not if it is hearsay.

Hon. Mr. ELLIOTT: It is not hearsay, I submit, if the man told him he voted at Victoria Harbour.

The CHAIRMAN: He can only say that the voter said that.

Mr. LAWSON: I would suggest as a lawyer—

The CHAIRMAN: All he could say is that the man told him,

Hon. Mr. LAPOLTE: We have heard the statement made before in this committee that 90 men were deprived of their votes, without any justification for the statement. Surely the question of Mr. Elliott—

The CHAIRMAN: It may not be 90. The question is a perfectly proper one. The witness can not swear they voted.

Mr. MORAND: How can those men vote anywhere else if they could not vote there?

The CHAIRMAN: If the witness still wants to go over the list, he might leave the chair, and let somebody else go on until he is ready.

Hon. Mr. ELLIOTT: He knows these men. He will only take a minute.

The WITNESS: Albert Henry, Victoria Harbour, J. H. Bridges and Mrs. Bridges, Midland.

The CHAIRMAN: Never mind Midland; stick to Victoria Harbour and answer the question put.

The WITNESS: Romeo Gaddault, Gervais.

Hon. Mr. ELLIOTT: What about W. Cadieux?

The WITNESS: Did I miss him? Yes, he is Victoria Harbour. Gervais, George, Hoffman, W. T., Jackson, Jones, Kirkwood, W., Lyall, W., McEvoy, Ed., Murray, Steve, Prentice, C., Pelletier, Eli., Stoddard, Swails, Stewart, Vent, Charles, Vallet, J., Wilson, P. J. I think that is all.

Hon. Mr. ELLIOTT: Where does Jack Tilly live?

The WITNESS: I don't know positively. I think it is Victoria Harbour but I could not swear to it.

By Mr. MacNicoll:

Q. Why were those names first put on the list at all when the registrar knew? Did you take the names down?—A. It was my mistake I guess. As I say, it had been the custom in previous years to have them vote in Port McNicoll.

By Mr. Lawson:

Q. In every one of these cases you have just given you have filled in the residence of those people as Port McNicoll?—A. In the preliminary list?

Q. In the preliminary list?—A. Yes.

By Hon. Mr. Elliott:

Q. Can you tell us how many were in Midland—entitled to vote in Midland?—A. Not so many. There were the two Bridges. They are on the first page. I know them too.

By Mr. MacNicol:

Q. When you finally struck these people off the list in Port McNicoll, were you sure that those men who were stricken off were not on the list at Midland or at Victoria?—A. I took it for granted that they were because they were residents there.

Q. You are not sure that they were not disenfranchised?—A. They were residents of Victoria Harbour and Midland.

Q. The chances are that they were if they registered with you?—A. They did not register. They do not register.

Mr. GRAY: Mr. MacNicol, even though they were stricken off at Port McNicoll, if they were residents at Victoria Harbour, they could still get sworn in.

Mr. LAWSON: Provided they were not intimidated by charges of perjury.

Mr. GRAY: Or by Mr. Finlayson.

By Hon. Mr. Lapointe:

Q. You say you have personal knowledge of these men?—A. Yes, sir.

Q. Do you know whether some of them are married?—A. Oh, yes; quite a number of them are married.

Q. And their wives do not live at Port McNicoll?—A. No, their wives do not live at Port McNicoll.

By Hon. Mr. Elliott:

Q. Will you finish the Midland list?—A. The two Days. I guess that is all.

The CHAIRMAN: Two at Midland.

Hon. Mr. ELLIOTT: He has given the Bridges and the two Days, and he has given Gervais.

The WITNESS: Alf. Pineau. I might have missed another.

Witness discharged.

Mr. LAWSON: Mr. Chairman, I do not know of anything at the moment that I want to ask the returning officer—the general returning officer for the riding, Mr. McNamara—unless some of the other gentlemen here do. In view of the developments here, I know of nothing that he can assist us in.

Mr. GRAY: I would like to clear up something that I have on my notes. I think Ramsay said that on the 12th of March he ceased to board at the hotel and went on the boat.

Mr. RAMSAY, recalled.

By Mr. Lawson:

Q. Mr. Ramsay, in your evidence you told me that you had ceased to board at the hotel—that you had been boarding at the hotel and that you went on the boat on the 12th March; and I asked you if after you went upon the boat you had your board upon the boat, and your room there and that sort of thing, and I understood you to answer yes. Now, I understand that is not correct?—A. The correct situation is that we started to work on the boat—we worked about two weeks on the boat and boarded at the hotel.

Q. Did you do that in this year?—A. Yes every year.

A. So you continued at the hotel for two weeks after the 12th March?—
A. Yes, about that.

Q. Then, did you move your clothes and everything over to the boat?—A.
yes.

Q. And you gave up your room at the hotel?—A. Yes.

Q. So that you had severed all your connection with your room and board in
the hotel before the end of March, or approximately?—A. Yes.

By the Chairman:

Q. About the 28th of March?—A. Somewhere around that.

Q. In the year 1930—A. Yes.

JOSEPH D. J. McNAMARA, called and sworn.

By the Chairman:

Q. What is your address and occupation?—A. My address is Penetanguishene.

Q. Occupation?—A. Insurance agent.

By Mr. Lawson:

Q. Did you have any communication with the Chief Electoral Officer for
Canada with reference to the right of sailors to vote, other than by wire and
letter?—A. No; nothing else but wire and letter.

By Mr. Spencer:

Q. Do I understand that you appointed Mr. Connolly as registrar?—A. Yes.

Q. And it has been the habit before to put all the sailors on the polling
list?—A. I do not know anything about that.

Q. That is what Mr. Connolly said. Now this year he did the same thing?—
A. Yes; but I understand that after consulting—

Q. That after consulting with you he took a large number of names off?—
A. The official list had a large number of names off.

The CHAIRMAN: The preliminary list?

The WITNESS: The final list.

By Mr. Spencer:

Q. What advice did you give the registrar when he went to you with his
list?—A. That anyone who was not a resident of Port McNicoll was not
entitled to vote at Port McNicoll.

Q. And on that advice he took the names off?—A. That is the advice I
gave him, and he struck the names off.

Q. And you got your advice from whom?—A. Advice to strike the names
off?

Q. Anyone who was not a resident could not vote?—A. Now, I might
explain that here. When I spoke to Mr. Connolly about it—when he came in
with this list—he said the reason why those names were on the list was that it
had been customary to put the names of all the sailors on the list for Port
McNicoll.

The CHAIRMAN: That being the home port?

The WITNESS: That is what he called it. He said it had been customary,
and we looked over the instructions and the Election instructions, and he said.
“of course, this is only the home ports of the boats.”

By Mr. MacNicol:

Q. Who said that—Connolly?—A. Yes, and that is the reason why he put them on. So I could not find any instructions in the book where there was anything mentioned about a home port concerning any boat.

By Mr. Spencer:

Q. I take it you had some doubt about the instructions you were giving Mr. Connolly. To make sure of your ground you communicated with the Chief Electoral Officer?—A. Yes. I could not see anything in the book whereby there is anything mentioned about a home port or anything like that, and I said as far as the instructions were that they cannot vote there if they are not residents of Port McNicoll, but, I said, "I will not take upon myself the interpretation of the Act any further than that." And to satisfy Mr. Connolly, I said, "I will write to the Chief Electoral Officer and ask him his definition." And his answer is exactly as I have it there in my letter.

Q. Therefore, it was on the instructions that you obtained from the Chief Electoral Officer that you gave Connolly his instructions, and he struck the names off?—A. I could not say exactly on the instructions.

Q. Do you think he would have struck those names off if he had not got that advice from you?—A. I do not think so. He put them on in the first place. He said it had been customary to put them on.

Q. After getting further information from you he struck them off?—A. Yes.

By Mr. Spencer:

Q. It was on the instructions which you obtained from the Chief Electoral Officer, which you gave to Mr. Connolly, that he struck the names off?—A. I could not say exactly on the instructions.

Q. Do you think he would have struck those names off if he had not got that advice from you?—A. I do not think so. He put them on in the first place because, he said, it was the custom to put them on, you see.

Q. And on instructions from you he struck them off?—A. And when we looked over the Act there was not any authority.

By the Chairman:

Q. Had you seen Mr. Connolly from the time of the election?—A. I had never seen Mr. Connolly from that time until to-day.

Q. So that it was not the result of anything which you heard from Ottawa that he struck them off, but it was the result of a conversation which you had with him? You had no further communication with Mr. Connolly after that personal interview with him on that particular occasion which you have referred to?—A. I thought you meant after the election was over. When I got the answer back, you see, naturally I told him when I got the answer back and the answer was exactly as I had interpreted the Act. In fact I went down and showed him the letter.

Q. You showed the letter to Mr. Connolly?—A. Yes.

Q. Was that before or after the names were struck off.—A. Oh, that was before.

Q. Did you name Mr. Connolly as the rural registrar of that riding?—A. Yes, sir.

Q. Off your own bat or under instructions?—A. Not under instructions.

Q. You named him yourself without any intimation from any one?—A. Yes, sir. I will tell you how. The way I appointed Mr. Connolly, I was going down to that part of the country and I met a man whom I know, Ed. Dutton, who was working on the road for the Provincial Government, and he was also Reeve for the township of Tay, or one of those townships, and I asked him if

he knew somebody down at Victoria Harbour—I did not know anybody down at Victoria Harbour—who would be a registrar there—Port McNicoll, I mean; and he said he thought Mr. Connolly had acted as registrar there before; and I said I would see Mr. Connolly.

Q. He was a stranger to you?—A. I had never met him before.

Q. Had you heard of him?—A. I had never heard of him before.

By Mr. Thompson:

Q. The Liberal organization must have been sound asleep up there?—A. I do not know.

Mr. GRAY: I would agree with you, with all respect Mr. Thompson.

By the Chairman:

Q. In your conversation with Mr. Connolly, did you tell him—you were endeavouring to instruct him—that it would be important for him to investigate the actual status of the residence of every man before he struck him off?—A. No. I referred him to—

Q. You knew it was a serious thing to strike a man off the lists when his name was put on by the official?—A. I referred him to the instructions which he had.

Q. He already had those instructions?—A. Yes.

Q. But did you not impress upon him the necessity of investigating carefully before striking any one off?—A. I just told him that those who were non-resident should not be on.

Q. But investigating the name of any individual?—A. I did not know any of them.

Colonel OLIVER MOWAT BIGGAR, a witness called, and being duly sworn, testified as follows:—

By Mr. Lawson:

Q. You have been practising law for how many years?—A. Thirty.

Q. And during the course of that time, I believe you have had special experience with reference to election matters or the Election Act, etc.?—A. During the last eleven years.

Q. I believe you were specially retained as advisor to the Chief Electoral Officer for Canada for the purpose of the Dominion Elections of 1930?—A. Yes.

Q. And, while acting in that capacity, was there submitted to you for your opinion any memorandum with reference to the situation of sailors at Port McNicoll, or as to the question of the residence. If so, what memorandum was submitted to you, and what was your opinion given in respect thereof?—A. I got Mr. Castonguay to let me have a copy of the correspondence which is on the file on the subject.

Q. There is nothing on the file, I may say, which was brought down to the House to indicate that you ever received any written memoranda or gave any written opinion?—A. The way that that worked out, at the last election, was that I spent almost all of every day at the Chief Electoral Officer's office, and as the correspondence came in, Mr. Castonguay passed to me all the letters which involved some question of law that he would like me to deal with, and I dealt with those letters by dictating the answers to them myself, and then initialling that copy of them, which was on the file, and sending them in with my initials on them, to Mr. Castonguay for signature.

Q. To indicate that you had dictated them?—A. Yes, and that I had approved of the letter as extended.

Q. Then may I take it that there is not any written memoranda which passed between the Chief Electoral Officer and yourself in the form of memoranda?—A. Oh, no, everything on that was done directly on the Chief Electoral Officer's own file.

By the Chairman:

Q. That is to say there is no written communication between the two of you?—A. No.

Mr. LAWSON: But Colonel Biggar dictated most of the letters and can identify them by the initialling of the copies which he did from time to time.

By Mr. Lawson:

Q. Now, Colonel, would you look at section 29 of the Election Act, which deals with the qualifications of electors, particularly clause C of subsection 1?—A. Yes, I am very familiar with that section.

Q. I would ask you to look at the words—

“Has been ordinarily resident in Canada for at least twelve months and in the electoral district wherein such person seeks to vote for at least two months immediately preceding the issue of the writ of election.”

A. Are you referring to section 29? I think that is the old Act, is it not?

Q. Yes, I have an old copy.—A. It is:—

“was ordinarily resident in the electoral district at the date of the issue of the writ of election.”

Q. What I have in mind are the operative words of the section, which are “ordinarily resident”?—A. Quite.

Q. Then I would ask you, Colonel Biggar, to look at a letter from the Chief Electoral Officer to Joseph D. McNamara, of June 24, 1930, and tell me if that was one of the letters which you dictated?—A. I can tell by reference to the original. My copies have not got the initials on. Referring to the Chief Electoral Officer's file. I find a typewritten initial which indicates that that letter was dictated by me, and an ink initialling which indicates it was approved by me after extension.

By the Chairman:

Q. That was your own initial?—A. Yes.

By Mr. Lawson:

Q. So that this is really your own opinion, out of the mouth of the Chief Electoral Officer?—A. Yes, sir.

Q. This is to Joseph D. McNamara, Esq., Returning Officer for the Riding of Simcoe East, and is as follows:—

“I beg to acknowledge your letter of the 21st.

“In view of what you say there is no doubt whatever that the only persons employed on the Canadian Pacific steamships who are entitled to vote in Port McNicoll are those few of them who actually reside there. Since the ships are registered at Montreal, the fact that Port McNicoll is described as their “home port” is quite without importance and confers no right to vote there upon members of their crews.”

I call your attention to the words “actually reside there.”—A. You see, the form of the expression is in the letter from the Returning Officer to which that is a reply.

Q. Then, Colonel, would you refer to a letter from the Chief Electoral Officer to A. B. Thompson, of Orillia, dated Ottawa, July 4, 1930, and tell me if that is a telegram which you dictated?—A. Yes, that is dictated for the Chief Electoral Officer by me.

Q. This reads as follows:—

“Question dealt with in my letter to Returning Officer related to persons forming crew of C.P.R. boats registered in Montreal and plying between Port McNicoll and other ports. Port McNicoll being described as vessels' home port by reason of their spending occasional lay-over days there stop On these facts and assuming individuals concerned continuously housed on board, they are clearly not entitled to vote in Simcoe East stop I advised Returning Officer that only persons really resident in Port McNicoll should be placed on lists for that place.”

A. Yes.

Q. Was there any significance, in your opinion as expressed, that you transposed the words of the statute “ordinarily resident” into “actually resident” in one ruling, and “really resident” in another?—A. Yes.

Q. What is the explanation?—A. The explanation is due to the terms of the letter from the Returning Officer, to which the letter of June 24th was a reply. You see, that letter from the Returning Officer says:—

“Replying to your letter of the 16th in reference to employees on C.P.R. steamships at Port McNicoll, might say that I have ascertained that these boats are registered in Montreal.

These people claim that they should be on the lists for Port McNicoll because they claim that this is the home port of the boats. However, very few of them are residents of the village of Port McNicoll.”

He was making a clear distinction there, you see, between whatever claim to residence might arise from the fact that they lived on the boats or that the boats came there regularly; and what I intended to define by really residents, he goes on to say that very few of them are resident in the village. You see the distinction there. He makes the distinction; and in answering these letters I always tried myself to really address the point that was in the man's mind.

By the Chairman:

Q. Colonel, when the statute says “ordinarily resident” why didn't you use the term used in the statute?—A. He told me that they were not resident.

Q. “However very few of them are residents”?—A. Yes.

Q. But some were?—A. Yes.

Q. Why did you not tell him that those who were ordinarily resident in Port McNicoll had the right to vote?—A. I did not need to.

Q. I think it was incumbent upon you, when you were telling him what the law was?—A. I was not telling him what the law was.

Q. But you advised him on the legal question arising out of the election?—A. Mr. Chairman, are you criticizing the terms? There it is. I cannot defend it. I mean that one uses in correspondence ordinary language. When one is dealing with a statute, one uses the language of the statute. The Returning Officer had very full instructions as to the legal position, defined as fully as they could possibly be defined before him in print.

Q. You are referring to the Election Instructions?—A. Yes, and that is what those are for. And this correspondence, of which there were hundreds of letters of the kind, was all written in the light of the information which officially and in print had been distributed to every election officer. One did not need to be meticulous about the exact words of the correspondence. It was all in the light of the instructions. That is the view I took.

The CHAIRMAN: I do not agree with that, when you were giving a legal opinion on the instructions.

By Mr. Lawson:

Q. Assuming, for example, that I have a permanent place of abode in the Riding of West York, and I go and board in a hotel at Port McNicoll, and that I go there to board in March preceding the election in July, and I am going to remain there for a period of six months in connection with work which I am doing, would I not be resident in Port McNicoll within the definition of "ordinarily resident" within the statute, but I am actually a resident of the Riding of West York?—A. I would not agree with your phraseology, but I quite agree with your conclusion.

Q. If you do not agree with my phraseology, where is the distinction between that and the conclusion.—A. I do not think it is quite right, for the purposes of the Election Act, to say that you are actually a resident within West York. You see here it was a very easy distinction, because what we were dealing with were people who just came to Port McNicoll because the boat on which they worked came there from time to time. That is what I was dealing with.

Q. I might shorten the matter, because I do not want to get into a legal argument on the matter. Let us put it in this way: Here is a man, Campbell, who had no residence in Canada for the last six years, at least, other than Port McNicoll. During the summers he lived upon the boat—A. Is that a fair way to put it? I was not dealing with any individual case, but I was dealing with the whole of the crew.

Q. Now I am asking you to deal with an individual case?—A. Oh, quite.

Q. Here is a man, Campbell, who boarded in Port McNicoll. It is true that he went away to take holidays, but he always continued there to board. During 1929 he took a holiday to Scotland, and he comes back to Port McNicoll in 1930, because the boat on which he works is tied to the dock for thirty-six hours every week within the municipality of Port McNicoll, and he had his place upon that boat. You heard the evidence?—A. Yes.

Q. Is it your opinion, as the Act endeavours to enfranchise everybody, that he had the right to vote?—A. When you combine the two bases, it is difficult to answer. I have not any doubt that merely because a lake boat which runs between two termini happens to stay in one of those termini over night, that that fact does not enfranchise in that electoral district the persons who live on that boat that fact alone. Then, for the purpose of your case, let us leave aside altogether the question of his living on the boat, because that could not give him the qualifications.

Q. In itself?—A. No.

By the Chairman:

Q. It is a factor, though?—A. I do not think so. My view is that for the purpose of considering qualifications you have got to exclude that altogether; then you have a very difficult problem, really, with regard to the other thing; it is only within narrow limits, true, to say that everybody is enfranchised—

By Mr. Lawson:

Q. I mean in the desire of the statute and its intention?—A. Or within the desire of the statute. The purpose of the legislation, amendments of which I recommended between 1920 and 1930, was to reduce the number of cases in which there was a disfranchisement by reason of residence. In 1920 there was a very large number of people that were disfranchised by reason of residence. In 1920 it was necessary in order for a man to be enfranchised in any particular electoral district, that he should have lived there for the two months next pre-

ceeding that date of the election, and that really made an enormous amount of difference, because it meant that everybody who moved from his place of residence at any time within four months before polling day, in effect, was disenfranchised.

Q. I am not so much interested in what the law was in the past?—A. But I want to put it to you historically.

Q. Predicated upon that we may want to amend the Elections Act. I ask you the specific question whether in your opinion, with your experience as a lawyer and knowing as you do now all the facts in the Campbell case, he was ordinarily resident, as defined within that statute, the Dominion Elections Act, and was entitled to vote in the last Dominion election?—A. Which was Campbell? There were two men. He was the man who came in 1927 to Canada?

Q. He came to Canada in 1927 and spent one year in Owen Sound and then went to Port McNicoll. With the exception of the times he was upon the boat and with the exception of the times when he went away for two or three weeks vacation, as he gave the facts, during the winter, he continued to reside in Port McNicoll?—A. The impression that I got from his evidence was not that.

Hon. Mr. ELLIOTT: Is that a proper way to ask the witness?

Mr. LAWSON: We will give Colonel Biggar a complete copy of Campbell's evidence.

Hon. Mr. ELLIOTT: It might be only fair to Colonel Biggar to give him the interpretation which we put upon that evidence. This is the evidence, that he went upon the boat, and without taking up a room in Port McNicoll, in the Fall of 1929 he went to Scotland—

The CHAIRMAN: You ought to tell him also that previous to that time the boat was more at the dock than elsewhere.

Hon. Mr. ELLIOTT: Colonel Biggar has dealt with the question of the casual visits. Let me put my question. He went from the boat, without taking up a room any place else, to Scotland. He came back from Scotland, and reaching Port McNicoll went right onto the boat again on the 16th April, 1930, and remained on the boat except for such times as he landed wherever the boat landed, until election day.

The CHAIRMAN: And again I draw your attention to the fact that the boat remained more at dock at Port McNicoll than anywhere else.

The WITNESS: I would not have any hesitation, without waiting, to answer that question; because quite clearly on that statement of facts the man was not resident at Port McNicoll on the 30th April, 1930.

Mr. LAWSON: I would like to get upon the record the things which I would like Colonel Biggar to advise us upon. I would like Colonel Biggar, if he will, to take the record of the evidence given here by Campbell, and having regard to that evidence advise this committee whether or not in his opinion Campbell was entitled to vote.

The WITNESS: I will be very glad to do that.

Mr. LAWSON: And I would like Colonel Biggar to take the evidence given before this committee by Chidwick, and having read that evidence, upon the facts therein contained because that is the only evidence we have, give us the benefit of his opinion as to whether Chidwick had or had not the right to vote.

I would like Colonel Biggar to consider the correspondence between the Chief Electoral Officer and other persons and tell us where in his opinion the question of the port of entry of the boat had anything to do with the right or qualification of these men.

The WITNESS: I would like to answer that last question now. The reason for the reservation of the port of entry in my first letter was due to a vague notion which I then had in my head that under the British Elections Act,—I

may be wrong in that, you know,—there was some provision whereby mariners might vote at the port of registry of the respective boats, and I wanted to save myself, and if Port McNicoll was the port of registry of this boat I wanted to be sure that I was not giving a ruling against the qualification without having had an opportunity to consider that port of registry question. As a matter of fact, since the boat was not registered at Port McNicoll that question simply fell.

By the Chairman:

Q. There is and never has been anything in our Act as to that.—A. That is true, but I was afraid that might affect the question, and I wanted to be perfectly clear that this boat was not registered there whereby the rule should apply that they might vote at the port of registry. It was purely a vague idea in my mind that there was or might be such a rule.

By Hon. Mr. Elliott:

Q. But you were not giving an opinion upon that?—A. As a matter of fact I did not want to go into it, if I could avoid it.

By Mr. Anderson:

Q. Upon the evidence of Campbell and Chidwick, in your opinion did either of them ever acquire residence at Port McNicoll sufficient to entitle them to vote?—A. Do you mean no matter at what time the writ was issued?

Q. Were either of these men at any time really residents of Port McNicoll?—A. So as to entitle them to vote?

Q. And if not ordinarily residents of Port McNicoll, where were they ordinarily resident? And if they or either of them were ordinarily resident in Port McNicoll at any time, when and where did they lose their ordinary residence in that place?—A. I do not know whether that last question is capable of being answered.

The CHAIRMAN: That is in the evidence.

The WITNESS: All right.

By Mr. Anderson:

Q. If they were ordinarily resident at Port McNicoll, they would have the right to vote unless something changed their residence?—A. I doubt that. You see the rule is that in order to give a right in a given district the person must be ordinarily resident on a specified date.

Q. When one acquires an ordinary residence at a particular place, one retains that residence until something changes it?—A. No, that is not true of residence; it is true of domicile. Special provision has been made for sailors under certain Acts.

By Mr. Mercier:

Q. If there was no right to Campbell and Chidwick to vote, what suggestion would you make to allow them to vote?—A. As a matter of fact, I think there was something in the last report which I made as Chief Electoral Officer. The real way of meeting those difficulties is either by special provisions such as they have in Ontario for mariners voting in a particular way, or by provisions for absentee voters.

Q. Might I ask if you would bring to us the legislation which you prepared last year?—A. I did not prepare legislation. It is somewhere in some report.

By the Chairman:

Q. Last year the committee did consider this and we found it a very difficult subject to deal with.—A. It is very difficult; as a matter of fact, I

think it is impossible. It is the most difficult kind of problem which arises under the Dominion Elections Act. If it were not for the difficulty of colonization, that is the difficulty of a man selecting a particular electoral district in which he desires to vote because the balance there is even between the candidates, and if it were not for the prevention of switching of votes from one electoral district to another electoral district, which has always been in our Elections Act, it might be possible. The moment you do that you have a tremendously difficult problem of determining where your voting population resides.

Q. Was your attention called to a situation in a constituency in Ontario where a dredge crew were resident?—A. I have not any memory of it, but there is an enormous number of such cases.

Q. In a county of Ontario, a dredge crew was brought in on a dredge to work?—A. I do not remember it.

Mr. THOMPSON: That was in Oshawa.

By the Chairman:

Q. And that contention was no doubt brought before the Chief Electoral Officer?—A. If it was, I would have a memo. about it.

Q. And Dr. Kaiser protested, and they voted.

Mr. MERCIER: I always understood that the advance poll was in order to give a right to vote to travellers and railway men. And those sailors who were in Victoria Harbour or Port McNicoll, if their families were living in Toronto, must vote where their families are.

The CHAIRMAN: They are entitled to vote where they are ordinarily resident. The only quarrel I have with Colonel Biggar is that he used the words "actually resident." I would have thought the wise thing would have been to use the words of the statute.

Colonel BIGGAR: That might be.

Hon. Mr. ELLIOTT: Why was it necessary for Colonel Biggar to use the words in the statute? The thing which strikes me in connection with Colonel Biggar's statement is that it was very reasonable, it was in the correspondence defining actually or really resident.

The CHAIRMAN: It strikes me that in giving a written legal opinion I would have stuck to the words of the statute.

By Mr. Lawson:

Q. Would you be good enough, before you close your portfolio, to tell me whether or not you dictated the letter from the Chief Electoral Officer to Mr. A. B. Thompson of July 9th, 1930?—A. Yes. May I say in answer to your remarks, that I have found it very useless, in writing election officers, to use the same words as the statute, because their difficulty is in applying that word and they want something different?

Q. The thing I cannot understand is that knowing you were dealing with a man who was not a lawyer and who would not interpret legal language, you use words stronger than the statute instead of saying to the man that the words of the statute are "ordinarily resident." I would consider ordinarily resident to mean that a man lived there most of his time and was ordinarily resident.—A. The Returning Officer himself had made the distinction, and I was simply following him.

The CHAIRMAN: Is there any other instructions you want to give to Col. Biggar before we adjourn? To what day shall we adjourn? I take it for granted you are through with outside witnesses.

Mr. LAWSON: Yes, so far as I am concerned.

Mr. MACNICOL: Do you not want the clerk?

Mr. LAWSON: No; I do not think anything useful can be served by calling him.

Mr. THOMPSON: You want Col. Biggar to make suggestions as to how the Act should be amended?

The CHAIRMAN: Some of the members of the committee—we will have to make some report on these questions. Here you have a certain number of men disfranchised, 90 men or thereabouts have been disfranchised. You might as well grapple with the situation now. I think it is a hopeless mess. In the discussion last year it was felt that there will be some new dangers arise if we made any change. I think this ought to be taken into consideration.

Hon. Mr. ELLIOTT: I submit, Mr. Chairman, that consideration has been given to the question of sailors in the province of Ontario for the last few years, and it was felt it would be dangerous to interfere with the Act as it is now, and taking the men away from their real or actual residence, that you are going—

Mr. CASGRAIN: Ordinary, not actual.

Hon. Mr. ELLIOTT: No. You are going to get into trouble.

The CHAIRMAN: That may well be.

Hon. Mr. ELLIOTT: I would like to know this, for the information of the committee, I do not know what will result from it, I would like to see the Victoria Harbour file.

The CHAIRMAN: We can get that.

Mr. LAWSON: The Chief Electoral Officer can get you that; it does not need a witness for that.

The CHAIRMAN: It will be produced.

Mr. THOMPSON: My idea is there should be an appeal from the decision of the Registrar to the County Judge.

Hon. Mr. ELLIOTT: You and I have fought a lot of elections in rural constituencies. Who is going to look after the poll when it gets to the point—

Mr. LAWSON: May I suggest that we discuss this at a subsequent session?

The CHAIRMAN: To what day shall we adjourn?

Mr. LAWSON: What day do you want to meet again, gentlemen?

Some Hon. MEMBERS: Thursday.

The committee adjourned until Thursday, June 25.

